

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA, }
Plaintiff, } CASE NO: 2:15-cr-174-KJD-BNW
vs. } CASE NO: 2:15-cr-193-KJD-PAL
CHARLENE SCOTT, }
Defendant. } **FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

1. On February 22, 2018, the defendant, Charlene Scott (“Charlene”) pleaded guilty to two (2) counts of Conspiracy to Commit Mail Fraud and Wire Fraud; six (6) counts of Wire Fraud; and three (3) counts of Mail Fraud. [ECF Nos. 217, 220]. On September 5, 2018, this Court sentenced Charlene to serve forty-six (46) months of incarceration in the Bureau of Prisons. [ECF Nos. 257, 265].
2. Following this Court’s imposition of sentence, the parties, either jointly or individually, requested to continue Charlene’s self-surrender date due to healthcare concerns with Charlene, and/or her husband, Terry Brown (“Terry”). Presently, Charlene’s self-surrender date is set for August 13, 2021. [See ECF No. 372]
3. On April 7, 2021, Terry underwent back surgery. Terry experienced complications from the surgery which resulted in an extended stay in the hospital and then a rehabilitation center. After thirteen (13) days at the rehabilitation center, Terry was sent back to the hospital for an additional surgery due to severely infected pressure ulcers.
4. Following the second surgery, Terry’s doctor (Dr. Lagstein) recommended Terry be placed into a long-term treatment facility, but Terry’s medical insurance would not cover the placement. At present, Terry is non-ambulatory and cannot care for himself. For example, he cannot take his medications, drive to doctor’s appointments, or change the dressings on his pressure ulcers without assistance. As such, Charlene is caring for Terry on a 24-hour basis. Dr. Lagstein estimates Terry’s pressure ulcers will close and heal by the end of October 2021.

- 1 5. The parties respectfully request this Court issue an Order continuing Charlene's
- 2 self-surrender date for ninety (90) days.
- 3 6. Charlene is currently out of custody and does not object to the continuance.
- 4 7. Counsel has discussed this matter with AUSA Kimberly Frayn, and she does not
- 5 object to a ninety (90) day continuance of Charlene's self-surrender date.
- 6 8. This continuance is not sought for the purposes of delay.

7 **CONCLUSIONS OF LAW**

8 Pursuant to 18 U.S.C. §3143(a), this Court may permit Charlene to voluntarily report to
9 prison if it is determined by "clear and convincing evidence that she is not likely to flee or pose a
10 danger to the safety of any other person or the community." Accordingly, 18 U.S.C. §3143(a)
11 gives this Court the inherent authority to continue Charlene's self-surrender date as long as she is
12 not a danger to the community or a flight risk. Charlene has been compliant with all of the
13 conditions of her release since July of 2015, and as the Court previously determined in allowing
14 Charlene to remain at liberty pending her self-surrender to the Bureau of Prisons, she is neither a
15 danger to the community nor a flight risk.

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ORDER

IT IS THEREFORE ORDERED that the Stipulation to Continue Self-Surrender Date is
GRANTED.

IT IS FURTHER ORDERED that CHARLENE SCOTT shall self-surrender to the designated Bureau of Prisons' facility on the 3rd day of December, 2021.

DATED AND DONE this 29th day of July, 2021.

UNITED STATES DISTRICT COURT JUDGE
THE HONORABLE KENT J. DAWSON